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REMARKS

This Amendment is filed in response to the final Office Action dated June 1, 2005. This Amendment is filed concurrently with the filing of Request for Continued Examination (RCE). With regard to the Office Action, Applicant notes with appreciation the Examiner's continued thorough examination of the application. In response to the Office Action, Applicant has amended Claims 1, 2, 23, 24, 26 and 27 and canceled Claim 4 of the application. Claims 5-22, 31-33, and 36-38 were canceled in an earlier amendment. Further, Applicant has added new Claims 49-55. Following these amendments, the application includes Claims 1-3, 23-30, 34-35, and 49-55. Applicant respectfully submits that all of the claims of the application are patentable over the cited references. Applicant, therefore, requests reconsideration and allowance of the claims in light of the following remarks.

I. Applicants Request Examiner Interview

Applicant notes that the application was previously under final. To avoid a further rejection, Applicant respectfully requests a telephonic interview with the Examiner prior to the Examiner issuing an Action

II. Terminal Disclaimer

The Office Action rejected Claims 1-3, 23-30, 34 and 35 under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,848,845. In order to overcome this rejection, a terminal disclaimer in compliance with 37 CFR 1.321(c) is filed concurrently with this Amendment.

III. Claims 1-3, 23-30, and 34-35 Are Patentable

The Office Action rejected Claims 1, 23-27, 34 and 35 as being anticipated by Hamisch (U.S. 5,772,341). In addition, the Office Action rejected Claims 2, 3, and 28 for being unpatentable over Hamisch in view of McTaggart (U.S. 5,170,956). Applicant respectfully disagrees with these rejections for the following reasons.

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a. Claims 1, 23-27, and 34-35 are patentable over Hamisch

Each rejected claim of the application depends from either Claim 1 or Claim 23. Claims 1 and 23, both claim, among other things, a resilient structure or component configured to store "torsional energy by twisting elastically." Hamisch fails to teach or disclose such a structure or component.

As noted in the earlier response by the Applicant dated March 15, 2005, Hamisch does include a sleeve member 144 formed of resilient material in frictional contact with the core C1 (Hamisch, Col. 5, lines 63-65; Col. 6, lines 9-10). However, the resilient material does not store energy. Rather, as disclosed, the sleeve member provides a "braking force or drag" created by the frictional contact between the sleeve and core. (Hamisch, Col. 6, lines 11-13) Overcoming this frictional contact in order to rotate the core does not store energy. To further clarify this point, Claims 1 and 23 were amended to describe the method in which energy is stored in the resilient component or structure recited in the claims. Specifically, torsional energy is stored "by twisting elastically." The twisting creates a potential energy, similar to a spring in compression. Comparatively, Hamisch teaches away from twisting elastically. In fact, Hamisch specifically states that "...the sleeve member 144 is held stationary on the projection 133." (Hamisch, Col. 6, lines 6-8) Further, Hamisch does not disclose or teach that "the torsional energy serves to retract slack when the ribbon is backfed" as recited in Claim 23. Accordingly, Hamisch does not disclose or teach at least one significant element of Claim 1 or Claim 23 and, thus, cannot anticipate either claim. Therefore the Applicant respectfully asserts that independent Claims 1 and 23 are allowable over Hamisch, and that claims depending from either Claims 1 and 23, namely Claims 24-27, 34 and 35, are allowable as depending from allowable base claims.

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b. Claims 2, 3, and 28 are patentable over the combination of Hamisch and McTaggart

The Applicant reasserts the above argument regarding Hamisch not teaching or disclosing a resilient component or structure configured to store torsional energy by twisting elastically. Furthermore, as explained below, McTaggart fails to disclose or teach such a component or structure as well. Accordingly, the Applicant respectfully submits that the combination of Hamish and McTaggart fails to provide every element of Claims 2, 3, and 28 and, thus, the claims are patentable of this combination.

Like Hamisch, McTaggart does not teach or disclose a structure or component that stores torsional energy by twisting elastically as the core rotates. Rather McTaggart discloses a rubber ball in a paper towel dispenser that when compressed, imposes a drag on a paper roll core. The final Office Action noted that the ball can "spring back into its normal shape" as described at column 2, lines 61-62 of McTaggart. However, the return to a normal shape is from a compressed or flattened state as shown in figure 3 of McTaggart, not from an elastically twisted state which would create torsional energy as taught by the Applicant's claimed invention. Accordingly, McTaggart does not provide any missing element that, even when combined with the device in Hamisch, would provide every element of the rejected claims. Therefore the Applicant asserts that dependent Claims 2, 3, and 28 are allowable over the combination of Hamisch and McTaggart.

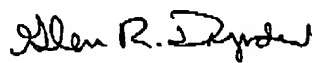
CONCLUSION

In view of the amended claims and new claims and the remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

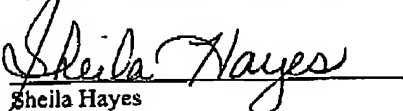


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9/01/05
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